

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,

Plaintiff

v.

2:06-CV-72 DF

WELLS FARGO & COMPANY; WELLS
FARGO & COMPANY; WELLS
FARGO BANK, NATIONAL
ASSOCIATION; BANK OF AMERICA
CORPORATION; BANK OF AMERICA,
NATIONAL ASSOCIATION; U.S.
BANCORP; U.S. BANK, NATIONAL
ASSOCIATION; WACHOVIA
CORPORATION; WACHOVIA BANK,
NATIONAL ASSOCIATION; SUNTRUST
BANKS, INC.; SUNTRUST BANK;
BB&T CORPORATION; BRANCH
BANKING AND TRUST COMPANY;
BANCORPSOUTH, INC.;
BANCORPSOUTH BANK; COMPASS
BANCSHARES, INC.; COMPASS BANK;
CULLEN/FROST BANKERS, INC.; THE
FROST NATIONAL BANK; FIRST
HORIZON NATIONAL CORPORATION;
FIRST TENNESSEE BANK, NATIONAL
ASSOCIATION; HSBC NORTH
AMERICA HOLDINGS INC.; HSBC
BANK USA, N.A.; HARRIS BANKCORP,
INC.; HARRIS N.A.; NATIONAL CITY
CORPORATION; NATIONAL CITY
BANK; ZIONS BANCORPORATION;
ZIONS FIRST NATIONAL BANK; BANK
OF NEW YORK CO., INC.; THE BANK
OF NEW YORK; UNIONBANCAL
CORPORATION; UNION BANK OF
CALIFORNIA, NATIONAL
ASSOCIATION; BANK OF
TOKYO-MITSUBISHI UFJ, LTD.;
CITIZENS FINANCIAL GROUP, INC.

CITY NATIONAL CORPORATION;
CITY NATIONAL BANK; COMERICA
INCORPORATED; COMERICA BANK &
TRUST, NATIONAL ASSOCIATION;
DEUTSCHE BANK TRUST COMPANY
AMERICAS; FIRST CITIZENS
BANCSHARES, INC.; FIRST CITIZENS
BANK & TRUST COMPANY;
KEYCORP; KEYBANK NATIONAL
ASSOCIATION; LASALLE BANK
CORPORATION; LASALLE BANK NA;
M&T BANK CORPORATION; M&T
BANK; THE PNC FINANCIAL
SERVICES GROUP, INC.; PNC BANK,
NATIONAL ASSOCIATION
UBS AMERICAS, INC.; SMALL VALUE
PAYMENTS COMPANY, LLC; THE
CLEARING HOUSE PAYMENTS
COMPANY, LLC; MAGTEK, INC; FIRST
DATA CORPORATION; TELECHECK
SERVICES, INC., REMITCO, LLC; and
ELECTRONIC DATA SYSTEMS CORP.

Defendants.

DEFENDANTS' NOTICE OF DECISION NOT TO SIGN STIPULATION

Defendants, BB&T Corporation, Branch Banking and Trust Company, Comerica Inc., Comerica Bank & Trust National Association, M&T Bank Corporation, M&T Bank, Bank of New York Co., Inc., The Bank of New York, Unionbancal Corporation, Union Bank of California, N.A., First Data Corporation, Telecheck Services, Inc., Remitco, LLC, Lasalle Bank Corporation, Lasalle Bank N.A., Deutsche Bank Trust Company Americas, Bank of Tokyo-Mitsubishi UFJ, Ltd., UBS Americas, Inc., Cullen Frost Bankers, Inc., The Frost National Bank, The Clearinghouse Payments Co., L.L.C., HSBC Bank USA, N.A., National City Bank, National City Corporation, U.S. Bancorp, U.S. Bank, N.A., Viewpointe Archive Services LLC,

Bancorpsouth, Inc., and Bancorpsouth Bank respectfully notify this Court of their decision not to execute the stipulation proposed in this Court's October 25, 2006 Order (Dkt. No. 326) on the pending Motions to Sever and Stay the Claims relating to the Ballard Patents.

Respectfully submitted this 3rd day of November, 2006.

/s/ E. Danielle Thompson Williams

William H. Boice

Steven Gardner

E. Danielle Thompson Williams

Audra A. Dial

KILPATRICK STOCKTON LLP

Suite 2800

1100 Peachtree Street

Atlanta, GA 30309-4530

Telephone: (404) 815-6500

Fax: (404) 815-6555

1001 West 4th Street

Winston-Salem, NC 27104

Telephone: (336) 607-7300

Fax: (336) 607-7500

Lance Lee

YOUNG, PICKETT & LEE

4122 Texas Boulevard

P. O. Box 1897

Texarkana, TX 75504

**ATTORNEYS FOR DEFENDANTS BB&T
CORPORATION, BRANCH BANKING
AND TRUST COMPANY, COMERICA
INC., COMERICA BANK & TRUST
NATIONAL ASSOCIATION, M&T BANK
CORPORATION AND M&T BANK**

/s/ Jennifer Parker Ainsworth

Jennifer Parker Ainsworth
Texas Bar No. 00784720
WILSON, SHEEHY, KNOWLES,
ROBERTSON & CORNELIUS, P.C.
909 ESE Loop 323
Suite 400
Tyler, Texas 75701
T: (903) 509-5000
F: (903) 509-5092
jainsworth@wilsonlawfirm.com

Richard Hogan
Texas Bar No. 09802010
PILLSBURY WINTHROP SHAW PITTMAN
LLP
2 Houston Center
909 Fannin Street 22nd Floor
Houston TX 77010
T: (713) 425-7327
F: (713) 425-7373
richard.hogan@pillsburylaw.com

Raymond L. Sweigart
Scott J. Pivnick
PILLSBURY WINTHROP SHAW PITTMAN
LLP
1650 Tysons Blvd.
McLean, VA 22102-4859
T: (703) 770-7900
F: (703) 905-2500
raymond.sweigart@pillsburylaw.com
scott.pivnick@pillsburylaw.com

**ATTORNEYS FOR DEFENDANTS
BANK OF NEW YORK CO., INC.,
THE BANK OF NEW YORK,
UNIONBANCAL CORPORATION, AND
UNION BANK OF CALIFORNIA, N.A.**

/s/ Edward G. Poplawski

EDWARD G. POPLAWSKI (Pro Hac Vice)
E-Mail: EPoplaws@Sidley.com
JEFFREY A. FINN (Pro Hac Vice)
E-Mail: JFinn@Sidley.com

CARISSA A. TENER (Pro Hac Vice)
E-Mail: CTener@Sidley.com
SIDLEY AUSTIN L.L.P.
555 West Fifth Street, Suite 4000
Los Angeles, California 90013
tel. 213-896-6000
fax 213-896-6600

LANCE LEE
Texas Bar No. 240004762
YOUNG, PICKETT & LEE, L.L.P.
4122 Texas Blvd.
P.O. Box 1897
Texarkana, Texas 75504
tel. 903-794-1303
fax 903-792-5098
E-Mail: WLanceLee@aol.com

**ATTORNEYS FOR FIRST DATA
CORPORATION, TELECHECK SERVICES,
INC., REMITCO, LLC, LASALLE BANK
CORPORATION, LASALLE BANK NA,
DEUTSCHE BANK TRUST COMPANY
AMERICAS, BANK OF TOKYO-
MITSUBISHI UFJ, LTD.**

/s/ Scott W. Breedlove
William L. LaFuze
Texas Bar No. 11792500
wlafuze@velaw.com
D. Ferguson McNiel, III
Texas Bar No. 13830300
fmcniel@velaw.com
Vinson & Elkins LLP
2300 First City Tower
1001 Fannin Street
Houston, TX 77002
Telephone: 713.758.2222
Facsimile: 713.758.2346
Scott W. Breedlove
Texas Bar No. 00790361
sbreedlove@velaw.com
Vinson & Elkins LLP
3700 Trammell Crow Center
2001 Ross Avenue

Dallas, TX 75201-2975
Telephone: 214.220.7700
Facsimile: 214.220.7716
Harry Lee Gillam, Jr.
Texas Bar No. 07921800
Gil@gillamsmithlaw.com
Melissa Richards Smith
Texas Bar No. 24001351
Melissa@gillamsmithlaw.com
Gillam & Smith LLP
110 South Bolivar, Suite 204
Marshall, TX 75670
Telephone: 903.934.8450
Facsimile: 903.934.9257

ATTORNEYS FOR UBS AMERICAS, INC.

/s/ Kurt M. Sauer
Kurt M. Sauer
Texas Bar No. 17673700
DAFFER MCDANIEL, LLP
700 Lavaca Street, Suite 720
Austin, Texas 78701
Tel. (512) 476-1400
Fax (512) 703-1250
ksauer@dmtechlaw.com

**ATTORNEY FOR DEFENDANT CULLEN
FROST BANKERS, INC. AND THE FROST
NATIONAL BANK**

/s/ James H. Carter
James H. Carter
James T. Williams
Jane Jaang
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004-2498
212-558-4000
212-558-3588 (Fax)
carterj@sullcrom.com
williamsj@sullcrom.com
jaangj@sullcrom.com

Ronald Clayton
Lawrence Scinto
Stephen Belisle
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, New York 10112-3801
212-218-2246
212-218-2200 (Fax)
rclayton@fchs.com
lscinto@fchs.com
sbelisle@fchs.com

Preston McGee
Flowers Davis
1021 ESE Loop 323
Suite 200
Tyler, TX 75701
903-534-8063
903-534-1650 (Fax)
pmcgee@tyler.net

**ATTORNEYS FOR THE CLEARINGHOUSE
PAYMENTS CO., L.L.C. (also named herein
as Small Value Payments Company, LLC)**

/s/ Glen Boudreaux
Glen Boudreaux
Tim Leonard
Boudreaux Leonard Hammond & Curcio
2 Houston Center
909 Fannin St.
Suite 2350
Houston, Texas 77010
713-757-0000
gboudreaux@blhc-law.com
tleonard@blhc-law.com

Roy Hardin
Locke Liddell & Sapp
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-6776
214-740-8556
rhardin@lockeliddell.com

Irah Donner
WilmerHale
399 Park Avenue
New York, NY 10022
212-230-8887
Irah.donner@wilmerhale.com

ATTORNEYS FOR HSBC BANK USA, N.A.

/s/ Anthony H. Son
Anthony H. Son
John Feldhaus
Foley & Lardner
300 K. St. N.W.
Suite 500
Washington, D.C. 20007
202-672-5403
202-672-5399 (Fax)
ason@foley.com
jfeldhaus@foley.com

**ATTORNEYS FOR NATIONAL CITY
BANK, NATIONAL CITY CORPORATION,
U.S. BANCORP, AND U.S. BANK, N.A.**

/s/ P. Anthony Sammi
Phillip Philbin
Russ Emerson
Haynes & Boone
901 Main St., Suite 3100
Dallas, TX 75202
214-651-5684
214-200-0672 (Fax)

Daniel A. DeVito
P. Anthony Sammi
Skadden Arps Slate Meagher & Flom
4 Times Square
New York, NY 10036
212-735-3000
212-735-2000 (Fax)

**ATTORNEYS FOR VIEWPOINTE
ARCHIVE SERVICES LLC**

/s/ John H. McDowell, Jr.
John H. McDowell, Jr.
Greg Perrone
Hughes & Luce LLP
1717 Main Street, Suite 2800
Dallas, Texas 75201
214-939-5413
214-939-5849 (Fax)
john.mcdowell@hughesluce.com
gregory.perrone@hughesluce.com

**ATTORNEYS FOR BANCORPSOUTH, INC.
BANCORPSOUTH BANK**

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused to be served the foregoing Defendants' Notice of Decision not to Sign Stipulation on Plaintiff's counsel of record by electronic mail via the Court's CM/ECF system, pursuant to Local Court Rule 5, addressed as follows:

Edward L. Hohn
Harold Wayne Nix
Nix Patterson & Roach, L.L.P.
205 Linda Drive
Daingerfield, TX 75638

edhohn@nixlawfirm.com
haroldnix@nixlawfirm.com

Louis Brady Paddock, Esq.
Anthony Bruster, Esq.
Richard B. King, Esq.
Nix Patterson & Roach, L.L.P.
2900 St. Michael Dr., 5th Floor
Texarkana, TX 75503

bpaddock@nixlawfirm.com
akbruster@nixlawfirm.com
benking@nixlawfirm.com

Rod A. Cooper, JD, MA
The Cooper Law Firm
5215 N. O'Connor Blvd.
Suite 1900
Irving, TX 75039

rcooper@cooperiplaw.com

Eric M. Albritton
Albritton Law Firm
109 W. Tyler
Longview, TX 75601

ema@emafirm.com

Joe Kendall
Karl Rupp
Provost Umphrey Law Firm, L.L.P.
3232 McKinney Avenue, Suite 700
Dallas, TX 75204

jkendall@provostumphrey.com
krupp@provostumphrey.com

T. John Ward Jr.
Law Office of T. John Ward, Jr. P.C.
109 W. Tyler
Longview, TX 75601

jw@jwfirm.com

Edward K. Chin, Esq.
Nix Patterson & Roach, L.L.P.
5215 N. O'Connor Blvd.

edchin@nixlawfirm.com

Suite 1900
Irving, TX 75039

This 3rd day of November, 2006.

s/ E. Danielle Thompson Williams
E. Danielle Thompson Williams

Attorney for Defendants BB&T Corporation,
Branch Banking and Trust Company, Comerica
Inc., Comerica Bank & Trust National Association,
M&T Bank Corporation and M&T Bank